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**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MINUTES**

Memorial Library Meeting Room  
December 11, 2006  
7:00 PM

**CITIZEN CONCERNS**

Peter talked about the upcoming election. He announced that after 9 years of service on the Board he has decided to not run for Selectman in April. He thanked the Town for allowing him to serve. Walter noted that the town has benefited from his service to the Town.

**OPERATIONAL MINUTE**

The Town Manager reminded all of the Snow Parking Ban

**CONSERVATION COMMISSION OVERSIGHT MEETING**

Terry Maitland Conservation Commission Chair and Jim Snyder Grant of the Land Steward Committee were present to meet with the Board of Selectmen. Mr. Maitland introduced other members of the Commission that were present. He noted that they will need two new members and two associates in order to prevent quorum issues. They have had 53 filings this year and 37 last year. Terry spoke about the expanded setbacks from fifty foot no disturb and 25 from structure plus the 50 foot set back that makes it 75 feet. They try to work with the applicants to come to a solution that works for all. He discussed the fencing at 60 Powder Mill Road. They have taken the approach that the fence does not look too bad in person. They have agreed to allow the fence to stay where it is and make the other one permanent. They are going to monitor the situation and will check to see if they store anything behind the fence. Terry discussed the Kingman Gift and they are deeply grateful for that donation. In August the Pension Protection Act for Conservation Restrictions changed and you can take 30% in and carry it forward for six years. August 2006 and 2007 there is a one time expansion at 50%

**LAND STEWARDSHIP COMMITTEE**

The committee is now 10 years old. Jim talked about the committee's activities. They have 16 members presently. They offer the use of the land for people to enjoy. They clear trails, deal with rising water, muddy trails, and beaver activities.

Peter thanked them for the fine job they do. Peter asked if there were any encroachments on conservation property.

**SITE PLAN SPECIAL PERMIT #7/11/06-409, 288 MAIN STREET, EDWARD BRAVO (FOSTER)**

Mark Donahoe spoke about the plan. The existing house is in the middle of the parcel. They will replace with four units with garages and storage units. The site is served by Town sewer and water. Mark is working with Chief Craig and it will be sprinkled, but a

turnaround for fire engines cannot be built at this site. Walter suggested that the sidewalk be upgraded. Mark said that the sidewalk is consistent and it is in good shape. Walter asked about vegetation and no landscaping on the Kane properties. Mark said that they are not required to submit these plans on a residential location. Walter talked about the drainage issue and maneuvering around the site.

Andy spoke about drainage and recharge areas so that there is no run off on the site. Andy asked about the neighboring lot and wetlands. The Wetlands are on the town property 100 feet away.

Peter too discussed the numeration for sidewalks and he feels it is important. Peter said that there is no response from the ACHC as of yet. John Murray noted the difficulty they would have collecting trash at that location

Peter Coakly, Acton Historical Society said that the Society is concerned about drainage. They are concerned about the drainage in the long term. The construction method concerned them with regard to ledge and blasting. Donohue said that there was no ledge and if they need to blast there will be no impact. Mr. Coakly wanted someone to contact them when any blasting is scheduled.

Dore' spoke about no left turns out of the site during peak hours.

Lauren was concerned about the sidewalks. Lauren asked about the trash situation. It was noted that there will be no dumpsters on site.

DORE' HUNTER – Moved to continue until January 8, 2007 at 9:00 pm. PETER ASHTON – second. UNANIMOUS VOTE

### **BOARD OF APPEALS OVERSIGHT MEETING**

Jon Wagner introduced the Board to his members. They have spent much time on 40B's and it is an ongoing issue in town.

Jon Wagner asked about the moratorium. Walter said that we are one year in to the two year moratorium. It presents a 40B as a matter of right because we are almost at the 10% level. We were eligible for a 40B as a right. We are looking at friendly 40B's and we want to channel the developers to the cooperative approach.

Jon asked about post project monitoring and their role. Does the Board of Selectmen feel they should be considering options? The Board is pursuing how to handle these going forward. The best policy is to have the Board of Appeals give it to the Board of Selectmen and they are looking at the third party auditor.

Lauren discussed Smart Growth and said it will be good for the future of the town. ACHC had been asked to conduct the post monitoring, but the Board has relieved that duty from them.

Peter asked if their reliance on Town Counsel had lessened, and they said yes. They are more comfortable now handling 40B'S

Walter thanked them for their work and staff will forward answers to them.

## **HISTORICAL COMMISSION OVERSIGHT MEETING**

Peter Grover spoke about the shell problems. Peter suggested that he forward an e-mail to the Town Manager to check into it with Mark Hald. He also asked about getting on the Web Site. Peter noted that Kimberly Connors is an archeologist and participated in the Stone Chamber rehabilitation. They have been working with 747 Main Street LLC and they have been good to work with. Madison Place will move the house on site to save it. They are bidding for the Historical Resources Study. They have a bidder and they are excited to get that rolling. They have weighed in on the Willow Street Housing Site. Bill Dickenson is their new member. Dore' urged them to get close to the Exchange Hall to be involved.

Lauren asked about membership, they are ok. Lauren asked about the National Registry, Robbins House, Exchange Hall and Jones Tavern. Lauren urged them to continue to be involved.

## **FY08 BUDGET PRESENTATION**

Don gave an overview and noted that we don't see any budget problems at this time. Don went over his message and gave highlights. Don spoke about the Cops Grant and that it is to be funded fully this fourth year and the school shares this cost. Don asked for comments and questions for the January Budget Meeting and that they come through the Chairman.

Lauren spoke about the level of care that the staff puts forward to keep the residents safe. She is concerned about the parity of salaries. Lauren noted that she doesn't know how to accomplish this, but feels that we need to retain our employees.

Dore' noted the split between the Town and schools and we dropped the split from 36 to 30 percent. He wants the town share to go up. Dore' wanted the NESWC funds not to be shared with the Schools. Ann Chang echoed that we should keep NESWC Funds as the schools keep choice.

## **SELECTMENS BUSINESS**

### **POLLING PLACE CONSOLIDATION**

Walter spoke about the LWW report. Dore' thinks we should go back to the old system. He cannot support this one location. We tried but it just did not work and the School should solve the problem at Conant. Dore' was concerned that we are putting up barriers for people trying to vote.

Peter commended the LWW'S Study. Peter disagreed with the voter turn out data. He agrees with Dore'. He thinks the traffic was the problem, because once you got inside to vote it moved along well. This experiment failed. Peter hoped that the School could be cooperative and take a professional day off on Election Day.

Lauren asked the Manager if the Hayward Road entrances were closed during the election. Don replied yes, the school asked that we shut it down to through traffic. Lauren said that she would support if the schools were closed. She supported going back to Nagog.

Andy observed the situation while dropping his son off. It only took five more minutes. He had a problem with a day off, people need to vote and he was concerned at the attitude of 5 more minutes was too long to wait to vote. He doesn't think it worked.

Walter feels the same as Andy and Peter. DORE' HUNTER – Moved to open a dialogue with the schools for going back to the prior arrangements. Walter offered a friendly amendment to return to the original voting locations. Peter wants to have other options. WALTER FOSTER - Moved to go forward with moving the March Election back to 3 locations and to open up dialogue with the Schools to see in the future we go from there. PETER ASHTON - second. UNANIMOUS VOTE.

Jo-Ann Berry co-chair of the LWV spoke about the traffic and getting to vote. They were concerned about the decrease in voters due to this one location.

### **PROTECTION OF CERTAIN STATE OWNED LANDS NEAR THE CONCORD ROTARY**

Article 97 restrictions on certain State owned lands at the rotary going toward Acton. Peter said that it may not go through this year. Andy too spoke about the fact that the legislation may not go forward in this year. Sudbury Valley Trustees approached us with putting the land in 97 Restrictions. These lands are a high priority to protect. State lands are at risk. They have had long discussions with State Highway for Route 2 improvements. Concord had their issues too. Peter noted that the recreation use of the fields will not be taken away. Lauren noted her conversation with Jamie Eldridge that their might still be a chance to bring this up. She feels it is an opportunity that we should not let slip away.

### **METROFUTURE WORKING SESSION**

Dore' outlined his attendance at a MetroFuture Work Session. The purpose was to look at four different scenarios and to try and come to a preference of order as a step along the way to a final meeting in May. He noted the methodology was interesting. The second session looked at how the preference might change. His group was named "Imagine." The consensus was it be used to determine what the outcome of the meeting was. Dore' said that he did not think it could work unless it was a dictatorship.

### **LICENSE RENEWALS, PRELIMINARY DISCUSSION**

Acton Suzuki, 60 Powder Mill Road -The Board will discuss this issue next meeting. Don discussed the issues he spoke about with Counsel. He discussed the number of for sale car spots, customer and employees parking. Mr. Nylev suggested if the Selectmen are inclined to renew for 2007 at the 19 Level and let the process continue out to next year for resolution. Peter was not inclined to grant the license. Dore' agreed. Lauren asked about the site plan and the Board noted we have already done this under #11 on the agenda.

Andy agreed with Peter. Walter asked the Town Manager to have the diagram overview of 60 and 50 Powder Mill Road and the designated parking spaces for 60 Powder Mill Road as well as 50 Powder Mill Road and a copy of our site plan decision. Invite Mr. Bertolami in to a hearing to show cause for renewal of the License as it exists.

**SITE PLAN SPECIAL PERMIT 02/19/03-388, 60 POWDER MILL ROAD, ACTON  
SUZUKI**

Don explained that this Document is necessary because they found another lender was involved. This will help protect the Town's position. PETER ASHTON - Moved to sign the agreement. DORE' HUNTER – second. UNANIMOUS VOTE.

**SITE PLAN SPECIAL PERMIT #07/06/06-408, 124 MAIN STREET, FRANK CHEN  
(ROSENZWEIG)**

Lauren said that she and Garry Rhodes had a site walk. She described the two licenses to address the location of the shed. Lauren recommends we keep the shed on town land and allow Chen to use it with an option to renew. License #1 says we have to remove it. Under License 2 Mr. Chen has to relocate the shed at his cost. Don urged giving up the building to Mr. Chen.

Option 2 is what Mr. Chen is supporting as well.

PETER ASHTON – Moved to sign Option 2 License Agreement. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE.

Site Plan Property Line – DORE' HUNTER - Moved to approve the site plan Change as written in the agreement. LAUREN ROSENZWEIG – second.

**DAVIS PLACE LOCAL INITIATIVE PROJECT (LIP) 159 PROSPECT STREET, SEWER  
PRIVILEGE FEE**

Walter outlined the Sewer Privilege Fee. PETER ASHTON – Moved to approve Seven sewer privilege fees of \$12,312 each to be paid prior to or at the issuance of the second through seventh occupancy permits and one sewer fee of \$12,308.64 to be paid prior to or at the issuance of the eighth occupancy permit. Total Sewer Privilege Fee of \$86,180.64 shall be paid in full no later than June 30, 2008. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

**OTHER BUSINESS**

Lauren noted that the NESWC article passed through House and Senate and is waiting for the Governor's signature

**WRAC** - Both Andy and Lauren updated the Board on the upcoming votes.

Andy attended a rail trail and bicycle meeting that were hosted by Pam Resor. We hope to insure the work against hazardous waste sites. Steve Anderson made a presentation on this issue. The rail trails will, again, go chugging along.

Peter asked about year to date sales for transfer station. John said we were right on with the budget.

Peter asked about recycling business is at a higher or lower than last year. He noted that the schools are recycling

Board of Selectmen's Meeting  
December 11, 2006

Morrison Farm is finished and will have a report in January.

### **CONSENT AGENDA**

DORE' HUNTER – Moved to approve. PETER ASHTON - second. Lauren wanted Madison Place held. Lauren disclosed that she is a member of the Quail Ridge and LLC Madison Place Project while not the country club is a company that works with Quail Ridge.

Don outlined the W.R. Grace materials with councils review. Peter felt we were ok. We need to move ahead with this document. PETER ASHTON – Moved to move forward. DORE' HUNTER – second. UNANIMOUS VOTE

### **EXECUTIVE SESSION**

LAUREN ROSENZWEIG – Moved to go into Executive Session for the purpose of discussing the purchase of real property, All Ayes

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Christine Joyce

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Date

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**

Memorial Library Meeting Room  
December 11, 2006  
7:00 PM

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

**1. 7:02 OPERATIONAL MINUTE**

The Town Manager will give the Board a brief update on various topics

**2. 7:15 CONSERVATION COMMISSION OVERSIGHT MEETING**

**3. 7:30 SITE PLAN SPECIAL PERMIT #7/11/06-409, 288 MAIN STREET, EDWARD BRAVO (FOSTER)**

Enclosed please find materials in the subject regard, for Board consideration.

**4. 8:00 BOARD OF APPEALS OVERSIGHT MEETING**

**5. 8:20 HISTORICAL COMMISSION OVERSIGHT MEETING**

**6. 8:45 FY08 BUDGET PRESENTATION**

**III. SELECTMEN'S BUSINESS**

**7. POLLING PLACE CONSOLIDATION**

Enclosed please find materials in the subject regard, for Board consideration.

**8. PROTECTION OF CERTAIN STATE OWNED LANDS NEAR THE CONCORD ROTARY**

Enclosed please find materials from Chairman Foster in the subject regard, for Board consideration.

**9. METROFUTURE WORKING SESSION**

Selectman Hunter will report to the Board regarding the enclosed materials.

**10. LICENSE RENEWALS, PRELIMINARY DISCUSSION**

Enclosed please find materials in the subject regard, for Board consideration.

- 11. SITE PLAN SPECIAL PERMIT 02/19/03-388, 60 POWDER MILL ROAD, ACTON SUZUKI**  
Enclosed please find a Non-Disturbance and Attornment Agreement, for Board consideration.

- 12. SITE PLAN SPECIAL PERMIT #07/06/06-408, 124 MAIN STREET, FRANK CHEN (ROSENZWEIG)**  
Enclosed please find materials in the subject regard, for Board consideration.

- 13. DAVIS PLACE LOCAL INITIATIVE PROJECT (LIP) 159 PROSPECT STREET, SEWER PRIVILEGE FEE**  
Enclosed please find materials in the subject regard, for Board consideration.

**14. OTHER BUSINESS**

**IV. CONSENT AGENDA**

- 15. COUNCIL ON AGING APPOINTMENT, BARBARA TALLONE**  
*Enclosed please find materials in the subject regard, for Board consideration.*

- 16. COUNCIL ON AGING APPOINTMENT, BARBARA R. CANTRILL**  
Enclosed please find materials in the subject regard, for Board consideration.

- 17. ACTON BOXBOROUGH CULTURAL COUNCIL APPOINTMENT, LINDA B. ZHU**  
Enclosed please find materials in the subject regard, for Board consideration.

- 18. WHITE FUND GRANTS**  
*Enclosed please find materials in the subject regard, for Board consideration.*

- 19. MADISON PLACE LOCAL INITIATIVE PROJECT (LIP) 737-741 MAIN STREET, 737 MAIN STREET, LLC.**  
Enclosed please find materials in the subject regard for Board consideration.

- 20. SITE PLAN SPECIAL PERMIT #12/23/04-400, 864 MAIN STREET (JOHNSON)**  
*Enclosed please find materials in the subject regard, for Board consideration.*

- 21. REQUEST FOR USE OF TOWN HALL PARKING LOT, ACTON FAMILY NETWORK ANNUAL TAG SALE**  
Enclosed please find materials in the subject regard, for Board consideration.

- 22. DISPOSAL OF SURPLUS EQUIPMENT, BUILDING DEPARTMENT**  
*Enclosed please find a request from the Building Commissioner to Declare a Bell and Howell microfilm reader as surplus, for Board consideration.*



**23. ACCEPT GIFT, NATURAL RESOURCES DEPARTMENT**

Enclosed please find a request from the Natural Resources Director for acceptance of a gift of six 20' fir trees (valued at \$4,500) from the Conant Family for landscaping at NARA Park, for Board consideration.

**24. ACCEPT GIFT, NATURAL RESOURCES DEPARTMENT**

Enclosed please find a request from the Natural Resources Director for acceptance of a gift of numerous shrubs (valued at \$4,215) from Kennedy Nursery for landscaping at NARA Park, for Board consideration.

**25. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of set pieces estimated at \$450 from Theater III, for use by the Recreation Department, for Board consideration.

**V. TOWN MANAGER'S REPORT**

**VI. EXECUTIVE SESSION**

- 26. There will be a need for Executive Session.**

**ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

**FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

December 18                      Jan. 6, Budget Meeting                      Jan. 8 and 22, 2007

**GOALS 2004-2005**

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA Park
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

**GOALS CARRIED FORWARD**

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)

8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC"
10. Middlesex Pension Alternatives (Walter)